

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 22-10964 (MG)
)
) (Jointly Administered)
)

**THIRD SUPPLEMENTAL DECLARATION OF MITCHELL P. HURLEY
IN SUPPORT OF THE DEBTORS' APPLICATION AUTHORIZING THE
RETENTION AND EMPLOYMENT OF AKIN GUMP STRAUSS HAUER &
FELD LLP AS SPECIAL LITIGATION COUNSEL FOR THE DEBTORS
AND DEBTORS IN POSSESSION EFFECTIVE AS OF THE PETITION DATE**

I, Mitchell P. Hurley, under penalty of perjury, declare as follows:

1. I am an attorney admitted to practice in the State of New York, and I am a partner with the firm of Akin Gump Strauss Hauer & Feld LLP ("Akin"). Akin maintains offices at, among other places, One Bryant Park, New York, New York 10036. There are no disciplinary proceedings pending against me.

2. I am duly authorized to make this supplemental declaration (the "Supplemental Declaration") on behalf of Akin in support of the *Debtors' Application Authorizing the Retention and Employment of Akin Gump Strauss Hauer & Feld LLP as Special Litigation Counsel for the Debtors and Debtors in Possession Effective as of the Petition Date* [Docket No. 392] (the "Application").²

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 Ltd. (1209); GK8 UK Limited (0893) and GK8 USA LLC (9450). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

² Capitalized terms used but not otherwise defined herein have the meanings set forth in the Application.

3. On August 8, 2022, the Debtors filed the Application, together with, among other things, the *Declaration of Mitchell Hurley in Support of the Debtors' Application Authorizing the Retention and Employment of Akin Gump Strauss Hauer & Feld LLP as Special Litigation Counsel for the Debtors and Debtors in Possession Effective as of the Petition Date*, attached to the Application as Exhibit B.

4. On August 31, 2022, the Debtors filed the *Supplemental Declaration of Mitchell Hurley in Support of the Debtors' Application Authorizing the Retention and Employment of Akin Gump Strauss Hauer & Feld LLP as Special Litigation Counsel for the Debtors and Debtors in Possession Effective as of the Petition Date* [Docket No. 649].

5. On September 16, 2022, the Court entered the *Order Authorizing the Retention and Employment of Akin Gump Strauss Hauer & Feld LLP as Special Litigation Counsel for the Debtors and Debtors in Possessions Effective as of the Petition Date* [Docket No. 843] (the "Retention Order").³

6. On January 24, 2023, the Debtors filed the *Second Supplemental Declaration of Mitchell Hurley in Support of the Debtors' Application Authorizing the Retention and Employment of Akin Gump Strauss Hauer & Feld LLP as Special Litigation Counsel for the Debtors and Debtors in Possession Effective as of the Petition Date* [Docket No. 1932].

7. Except as otherwise noted, all facts in this Supplemental Declaration are based on my personal knowledge of the matters set forth herein, information gathered from my review of relevant documents and information supplied to me by Akin.

³ In addition, pursuant to the terms of the Retention Order, the Debtors filed and served several notices of proposed additional services for Akin [Docket Nos. 1330, 2290, 2782], which included related declarations attached thereto, each of which were approved by the Court [Docket Nos. 1521, 2385, 2987].

8. On October 2, 2023, Mr. Daniel Slemmer joined Akin as an associate in the New York office. Prior to joining Akin, Mr. Slemmer clerked for the Honorable Martin Glenn of the United States Bankruptcy Court for the Southern District of New York from August 2022 through August 2023. In March 2023, Mr. Slemmer interviewed with and accepted an offer to join Akin as an associate upon the conclusion of his clerkship. These Chapter 11 Cases had already been filed when Mr. Slemmer started clerking for Judge Glenn and, during the course of his clerkship, Mr. Slemmer worked on certain adversary proceedings related to the main Chapter 11 Cases. It is my understanding that, prior to Mr. Slemmer's interview at Akin in March 2023, Mr. Slemmer informed Judge Glenn of such interview, and it was determined that Mr. Slemmer would not continue to work on any adversary proceeding in which Akin, as special litigation counsel to the Debtors, was involved. I do not believe that Mr. Slemmer's work for the Court precludes Akin from meeting the disinterestedness standard under the Bankruptcy Code. However, out of an abundance of caution, Akin has instituted formal screening measures to screen Mr. Slemmer from Akin's representation of the Debtors in these Chapter 11 Cases.

9. I continue to believe that Akin is eligible for employment and retention by the Debtors for the matters on which Akin is employed, as special counsel, pursuant to Bankruptcy Code section 327(e), 328(a), 330 and 331 and the applicable Bankruptcy Rules and Local Rules.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on November 22, 2023

/s/ Mitchell P. Hurley
Mitchell P. Hurley